



JOAN BALLWEG

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41ST ASSEMBLY DISTRICT

**SB 498: Taser Exemption for Jailers
Testimony by State Representative Joan Ballweg
Before the Senate Committee on
Judiciary, Corrections, and Housing
February 27, 2008**

Thank you Chairman Taylor and committee members for holding this hearing on Senate Bill 498, which would grant an exemption to the ban on electronic weapons for jail officers.

SB 498 attempts to correct a technical issue in the statutes, due to the fact that jail officers (in the current context) did not exist when the electronic weapons statute was adopted in 1981. When the legislature adopted this law, most Wisconsin jails were operated by Sheriff's Deputies, and the idea of career civilian correctional personnel had not entered the mainstream. Jail officer training requirements were adopted for officers hired after July 2, 1983.

Under current law, there is an exemption for corrections personnel working for the Wisconsin Department of Corrections. Another exemption applies to peace officers, who are defined as "Any person vested by law with a duty to maintain public order or to make arrests for crime whether that duty extends to all crimes or is limited to specific crimes."

Recently it has come into question whether the jail officers meet the criteria of a peace officer, if a strict interpretation of the statute is used. This

issue was brought to my attention by the Waushara County Sheriff, David Peterson, who contacted Sen. Lassa and I, as well as Sen. Olsen and Rep. Molepske, to seek a legislative remedy to this situation. Through his network of contacts with the Wisconsin Sheriff's and Deputy Sheriff's Association, several other legislators were contacted at the same time to correct this problem. We had 10 co-sponsors for this proposal before the co-sponsor memo was even circulated.

Electronic weapons, commonly referred to as Tasers, are a non-lethal deterrent to unruly behavior by inmates, and an effective tool to gain compliance. Their use can prevent or limit the physical injuries that may be suffered by both the jail officers and inmates, if an altercation were to occur.

SB 498 seeks to codify the exemption for jail officers, and alleviate any fears that these hard working individuals may have that they could face criminal charges, just for doing their job.

All of the committee members should have received written testimony from Marquette County Sheriff Gaffney, Waushara County Sheriff Peterson, and Corrections Corporal Small, who is a trainer in the use of tasers for corrections purposes. AB 759, the assembly companion to SB 498, passed the assembly last night on a voice vote, and I hope that your committee can support this proposal as well. I would be happy to answer questions at this time.

Rep. Ballweg

Thank you for supporting this important issue.

I am very much in support of the change in AB759. It makes no common sense not to allow jailers the ability to control violent inmates in a county jail setting by prohibiting the use of electronic control devises (Taser). The Taser is a widely accepted tool to control violent behavior without the officer engaging physically with an inmate and risking injury to the inmate or officer.

We have had many cases in Marquette County where we have controlled violent individuals by the use of tasters and have been asked to have our patrol deputies respond to a jail issue and assist with a violent situation. Having the ability of our jail officers to have these electronic tools available quickly will make our jail safer for the inmates and staff alike.

Our legislature should act with out delay to correct this oversight and make the necessary changes in AB759 to help protect our professional jail staff.

Thank you for your continued support of this important public safety issue.

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JULIE LASSA

STATE SENATOR

Senate Bill 498 Testimony
Senate Committee on Judiciary, Corrections, and Housing
Room 201 Southeast
3:00 p.m.

Chairwoman Taylor and Committee Members,

Thank you for the opportunity to provide testimony today on Senate Bill 498, which I am proud to co-author with Representative Ballweg at the request of Waushara County Sheriff David Peterson and others.

As my colleague just testified, this bill would allow county correctional officers to carry an electronic weapon – a “Taser” – while they are on duty. This would essentially legalize a practice which is already common today; many correctional facilities do not know that county officers are not allowed to carry electronic weapons and, in fact, use them as part of their daily practice.

I have heard from both sheriffs and county correctional officers in my district on numerous occasions about the need to legalize this practice. They all agree from personal experience that even merely carrying a Taser has improved the safety of the county jails in which they work. For them, being able to carry and use these electronic weapons if needed makes dealing with disruptive and sometimes combative inmates much easier and safer for everyone involved.

Thank you for your time and consideration of this legislation. I’d be happy to answer any questions that you might have.

Waushara County Sheriff's Department

David R. Peterson, Sheriff

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February 27, 2008

To: Wisconsin Senate Committee on Judiciary, Corrections, and Housing

From Waushara County Sheriff David R. Peterson

Re: Senate Bill 498

To Whom It May Concern:

The responsibility of maintaining a safe and secure jail facility is a duty that all Sheriffs take seriously. Electronic control devices are an important tool for insuring the safety of staff as well as inmates.

Although the need for deployment is infrequent the inmate's realization that it is available tends to make them more cooperative. When deployment becomes a necessity the results decrease the risk for both the officer and inmate from sustaining personal injury.

The corrections professional is a well trained officer. They have received extensive training in de-escalating verbal and physical conflicts between inmates. In most cases their knowledge of the dynamics within the jail and verbal skills are sufficient to resolve the situation. There are occasions when force is necessary in order to keep everyone safe and these are the times when a electronic control device is the most appropriate option.

The correctional officers are trained in the deployment of electronic control devices. Correctional officers within the state prison system are authorized to use electronic control devices. Several county jails are housing state inmates. Delay in passing AB759 will be detrimental to all county jails. Please support AB759 and expedite its passage to correct an apparent oversight in the statutes.

Thank you,

Sheriff David R. Peterson

Waushara County Sheriff's Department

David R. Peterson, Sheriff

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February 27, 2008

To: Wisconsin Senate Committee on Judiciary, Corrections, and Housing

From: Waushara County Corrections Corporal James Small

Re Senate Bill 498

To whom it may concern:

I am writing to express my support for SB 498, which specifically authorizes county jail officers to use electronic weapons.

As you may know, until several weeks ago electronic weapons were used routinely in Wisconsin's County Jails and have been since at least the present statute was adopted in 1981. Recent interpretations of this statute have led to a misunderstanding regarding the use of electronic weapons by county jail officers and this legislation seeks to resolve the misunderstanding.

I have personally had the opportunity to work for an agency which has routinely used electronic weapons in its correctional facilities. I was first certified to use Electronic Control Devices manufactured by Taser International in 2002 and I have been certified as an instructor on these devices since 2003. In addition to this training, I have studied the relationship between in-custody death and electronic control devices as a portion of my master's degree course work.

In the ten years since I graduated from the basic law enforcement recruit academy I have found electronic weapons to be a great advancement in gaining control over resistive subjects. I have responded to hundreds of incidents within the Waushara County jail while armed with these devices. I have displayed them to dozens of individuals in order to gain compliance from resistive subjects. I have discharged electronic weapons several times in order safely handcuff noncompliant and actively resisting subjects. Due to my training and experience I am convinced that these devices are as safe and effective as the various weapons manufacturers claim.

Ultimately, our goal is to provide for the safe confinement of those being held in county jails and to ensure the safety of the staff and visitors to the institution. Electronic weapons are the best manner available to assist staff in maintaining safe jails when and inmate is threatening others with harm. There is presently no substitute that provides this same level of safety and effectiveness when taking dangerous noncompliant inmates into custody. For these reasons I urge you to approve SB 498.

James Small
Corrections Corporal